

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 666 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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BALUBHAI RAMABHAI

Versus

STATE OF GUJARAT

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Appearance:

MS SUBHADRABEN PATEL rendered legal assistance to the petitioner, who is not present.

MR DN PATEL, APP for Respondents.

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 18/07/97

ORAL JUDGEMENT

1. This Special Criminal Application arises from a letter written by the prisoner Balubhai Ramabhai, who was punished for reduction of 7 days remission leave as per jailor's order dated 8/8/1990, since he was found having 'Chapal' and 'Baniyan' during a general search.

2. Having heard the learned advocate rendering assistance to the prisoner and the Ld. A.P.P. for the respondents, I am of the opinion that the concerned jail authority might reconsider the actual punishment bearing in mind the nature of the act of indiscipline stated to have been committed by the prisoner. Following direction is, therefore, issued :-

The punishment part of the impugned order shall stand set aside and the concerned jail authority will reconsider the imposition of appropriate punishment including giving of warning to the concerned prisoner. Rule made absolute in the aforesaid terms only.

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